

21 C.J.S. Courts § 174

Corpus Juris Secundum | May 2023 Update

Courts

M. Elaine Buccieri, J.D.; James Buchwalter, J.D.; Amy G. Gore, J.D., of the staff of the National Legal Research Group, Inc; and Lonnie E. Griffith, Jr., J.D.

V. Rules of Practice and Procedure

B. Operation and Effect of Court Rules

§ 174. Construction of court rules—With reference to statutes

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

- West's Key Number Digest, [Courts](#) 85(2), 85(3)

Court rules should, when possible, be construed in the light of and in harmony with statutes relating to the same matter and should not be construed in a manner that will subordinate the statute to the rule.

Court rules should, if possible, be construed in the light of and in harmony with statutes relating to the same matter,¹ and in view of constitutional statutory limitations on the power of the court,² and should not be construed in a manner that will subordinate the statute to the rule.³ When a statute is silent on a particular issue, the civil rules govern the procedure.⁴ A judicial council's interpretation of a statute, as reflected in the rules of court, is not binding on the courts, and the supreme court will invalidate a rule if it is contrary to statute.⁵

A state appellate rule is not preempted by the federal civil rights statute⁶ to the extent the rule does not allow state officials to take an interlocutory appeal from a denial of qualified immunity where the challenged rule is a neutral state rule for administering state courts; application of the rule primarily involves the balancing of state interests; delaying the appeal would not affect the ultimate outcome of the case; and the right to an immediate appeal in federal court is a procedural right that does not apply in a nonfederal forum.⁷

Footnotes

1 Ariz.—Bobrow v. Herrod, 239 Ariz. 180, 367 P.3d 84 (Ct. App. Div. 1 2016).

2 Md.—Cooper v. Sacco, 357 Md. 622, 745 A.2d 1074 (2000).

3 Tex.—Golden v. Odiorne, 112 Tex. 544, 249 S.W. 822 (Comm'n App. 1923).

4 Fla.—Seaboard Air Line Ry. Co. v. Hess, 73 Fla. 494, 74 So. 500 (1917).

5 Wash.—Spokane Research & Defense Fund v. City of Spokane, 155 Wash. 2d 89, 117 P.3d 1117 (2005).

6 Cal.— Sara M. v. Superior Court, 36 Cal. 4th 998, 32 Cal. Rptr. 3d 89, 116 P.3d 550 (2005).

7 U.S.— 42 U.S.C.A. § 1983.

7  Johnson v. Fankell, 520 U.S. 911, 117 S. Ct. 1800, 138 L. Ed. 2d 108 (1997).

End of Document

© 2023 Thomson Reuters. No claim to original U.S. Government Works.